

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

<b>SIMONNE THOMAS</b>	*	<b>CIVIL ACTION NO:</b>
<b>VERSUS</b>	*	<b>JUDGE:</b>
<b>BIG LOTS STORES, INC.</b>	*	<b>MAGISTRATE</b>

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**COMPLAINT FOR DAMAGES FOR PERSONAL INJURY**  
**(With Jury Demand)**

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**NOW INTO COURT**, through undersigned counsel, comes Complainant, **SIMONNE THOMAS**, a person of the full age of majority and a resident and domiciliary of Vermilion Parish, Louisiana, who with respect represents:

1.

The jurisdiction of this Honorable Court is invoked under 28 U.S.C. §1332, and the amount in controversy herein exceeds the sum or value of SEVENTY-FIVE THOUSAND AND NO/100 (\$75,000.00) DOLLARS, exclusive of interest and costs.

2.

Made Defendant herein is **BIG LOTS STORES, INC.**, a foreign corporation authorized to do and doing business in the State of Louisiana. Defendant is justly and truly indebted to Complainant **SIMONNE THOMAS** in an amount not less than THREE-HUNDRED FIFTY THOUSAND AND NO/100 (\$350,000.00) DOLLARS, for the following, to-wit:

3.

At all times material herein, the Defendant, **BIG LOTS STORES, INC.**, owned and operated, and had custody and control of the premises and fixtures located at 3557 Ambassador Caffery Parkway, Lafayette Parish, Louisiana.

4.

Complainant, **SIMONNE THOMAS**, alleges that on or about April 23, 2019, she was shopping at the Big Lots store located at 3557 Ambassador Caffery Parkway, Lafayette Parish, Louisiana.

5.

Complainant further alleges that on the above date, while she was shopping at the Defendant's premises in Lafayette, Louisiana, she reached up to remove some items from one of the top display shelves and as she grabbed the items to bring them down to her shopping cart, her left ring finger and ring caught on a sharp unprotected edge of the shelf, thus causing a degloving and fracture of her left ring finger and severe and disabling injuries.

6.

Complainant shows that this accident, and the resulting injuries and damages, were caused solely by reason of the fault, negligence, carelessness, and/or omission of duty on the part of Defendant, **BIG LOTS STORES, INC.**, for a condition on the premises of which it had notice or should have been aware, without any fault or negligence on the part of Complainant causing or in any way contributing thereto.

7.

The fault, carelessness, negligence and/or omission of duty of Defendant, **BIG LOTS STORES, INC.**, or those for whom it is responsible, consisted of, among other things, all of the following:

- A. Failure to maintain objects in its custody which are free of hazards and defects ;
- B. Failure to inspect the display shelves for defects;
- C. Failure to remove and/or replace damaged or defective display shelves;
- D. Failure to adequately warn Complainant about the unreasonable dangerous nature and/or condition of the damaged or defective shelving;
- E. Failure to maintain its premises in a reasonably safe condition sufficient to protect Complainant;
- F. Failure to properly train and instruct employees in the proper method of removing and/or replacing damaged or defective shelving;
- G. Failure to hire and train adequate personnel and/or companies sufficient to maintain its premises in a safe condition; and
- H. Any and all other acts of negligence to be proven at the trial of this matter.

8.

As a result of the aforesaid negligence of Defendant and/or for whom Defendant is responsible, Complainant sustained substantial and disabling injuries consisting of injuries to her left hand and specifically fractures and lacerations to her left ring finger, with injuries to the ligaments, muscles, nervous system and other tissues of her body.

9.

As a result of these injuries, Complainant has suffered severe pain, soreness, stiffness and tenderness of the injured areas, weakness, mental anguish and dysfunction, disability, limitation of movement and impairment of all functions, for which she claims as an element of recoverable damages, for past, present and future, such amounts as are reasonable in the premises.

10.

Complainant further alleges that as a result of the aforesaid injuries sustained by her, she has incurred medical expenses, and will incur medical expenses in the future, for which medical expenses Complainant claims as an element of recoverable damages.

11.

Further, as a result of the aforementioned injury, Complainant alleges that as a result of the aforesaid injuries sustained by her, she has incurred a loss of wages, past, present, and future, for which loss of wages Complainant also claims as an element of recoverable damages.

12.

That, as a direct result of the foregoing, Complainant, **SIMONNE THOMAS**, has suffered, is suffering and will continue to suffer damages, consisting of past and future physical pain and mental anguish and suffering, past disability and permanent future disability, loss of wages, loss of earning capacity, loss of enjoyment of life, and past, and possibly, future medical expenses, in an amount of not less than THREE-HUNDRED FIFTY THOUSAND AND NO/100 (\$350,000.00) DOLLARS, as nearly as the same can now be estimated.

13.

Complainant desires a trial by jury on all of the issues of this case.

**WHEREFORE**, Complainant, **SIMONNE THOMAS**, prays that Defendant, **BIG LOTS STORES, INC.** be served with a copy of this Complaint for Damages and that it be duly cited to appear and answer herein; that after the lapse of all legal delays and due proceedings had, there be a judgment in favor of **SIMONNE THOMAS** against Defendant **BIG LOTS, INC.**, in the full and true sum of THREE-HUNDRED FIFTY THOUSAND AND NO/100 (\$350,000.00) dollars, as nearly as the same can now be estimated, together with all costs, legal interest and all just and equitable relief.

Respectfully submitted,

**ERROL L. CORMIER, APLC**

/s/ Errol L. Cormier

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Attorney for Complainant,

**SIMONNE THOMAS**